

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ALASKA
 CIVIL DOCKET ENTRIES FOR CASE A01-0378--CV (RRB)
 "USA V CLARENCE ABELDGAARD ET AL"

Including terminated parties, excluding terminated counsel

Presiding Judge: The Honorable Ralph R. Beistline, U.S. District Judge

Magistrate Judge:

Referral Rule:

Filed: 12/21/01

Closed: NO

Jurisdiction: (1) U.S. Plaintiff

PLF Diversity:

DEF Diversity:

Nature of Suit: (893) Environmental Matters

33 USC 1319(B) (D)

Origin: (1) Original Proceeding

Demand:

Filing fee: Waived

Trial by: Jury

Parties of Record:

Counsel of Record:

PLF 1.1 UNITED STATES OF AMERICA

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Clarence E. Abeldgaard
 (see above)

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ALASKA
CIVIL DOCKET PARTY INFORMATION FOR CASE A01-0378--CV (RRB)
"USA V CLARENCE ABELDGAARD ET AL"

Including terminated parties, excluding terminated counsel

Parties of Record:

Counsel of Record:

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Lawrence V. Albert
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DEF 5.1 BARLING, GERALDINE

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Document #	Filed	Docket text
1 - 1	12/21/01	Complaint filed.
NOTE - 1	01/03/02	Issued: summons re: DEF 1 & 2.
2 - 1	01/10/02	Return of Service Executed re D1, 1/7/02
3 - 1	01/10/02	Return of Service Executed re D2, 1/7/02
4 - 1	01/24/02	DEF 1-2 Attorney Appearance of Charles E. Tulin.
5 - 1	01/24/02	DEF 1-2 Answer to Complaint.
6 - 1	01/24/02	DEF 1-2 Jury Demand.
7 - 1	01/28/02	HRH Minute Order re: initial case stat rpt/case S&P; Rule 16(b) rpt is due w/i 21 days. cc: cns1
8 - 1	02/19/02	PLF 1; DEF 1-2 Joint Initial Case Status Report and discovery plan.
9 - 1	02/28/02	HRH Scheduling and Planning Order setting pretrial deadlines: Original discovery 12/31/02; Dispositive motions deadline 01/30/03; Estimate of trial by jury re some issues & court as to other issues 5 days. cc: cns1
10 - 1	05/31/02	HRH Minute Order that by agreement of the judges this case is reassigned to Judge Beistline for all further proceedings. cc: cns1, Judge Beistline
11 - 1	06/28/02	PLF 1 Attorney Appearance of Robert H. Foster.
12 - 1	07/17/02	PLF 1 Notice of lis pendens w/att declaration
13 - 1	07/19/02	DEF 1-2 motion for withdrawal by attorney by consent
13 - 2	07/22/02	RRB Order granting motion for withdrawal by attorney by consent (13-1); all docs to be served on C.E. Abeldgaard. cc: cns1, C.E. Abeldgaard
14 - 1	07/23/02	RRB Minute Order that per LR 83.1(e) (2); D2 has to 8/23/02 to secure appropriate representation. cc: cns1

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15 - 1	07/30/02	PLF 1; DEF 1 Unopposed motion to amend complaint to add a party w/att first amended complaint.
16 - 1	07/30/02	PLF 1; DEF 1 motion for shortened time to rule on unopposed motion to amend complaint w/att declaration.
17 - 1	07/30/02	RRB Order granting motion for shortened time to rule on unopposed motion to amend complaint (16-1). cc: cns1
18 - 1	07/30/02	RRB Order granting motion Unopposed motion to amend complaint to add a party (15-1). cc: cns1
19 - 1	07/30/02	PLF 1 First (Amended) Complaint.
20 - 1	07/31/02	DEF 1 motion for settlement conference.
NOTE - 2	08/16/02	Issued: summons re: DEF 3 & 4.
21 - 1	08/16/02	PLF 1 opposition to DEF 1 motion for settlement conference (20-1)
22 - 1	08/27/02	PLF 1 Return of Service Executed re: DEF 4 on 8/16/02.
23 - 1	08/27/02	PLF 1 Return of Service Executed re: DEF 3 on 8/16/02.
24 - 1	08/27/02	DEF 3-4 Answer to Complaint (reply to summons).
25 - 1	09/03/02	RRB Minute Order re: a status conference is set for 9/23/02 at 1:30 p.m.. cc: cns1
26 - 1	09/03/02	PLF 1 motion to compel responses to discovery w/att exhs.
27 - 1	09/17/02	PLF 1 motion on shortened time to participate in status conference set 9/23/02 telephonically.
28 - 1	09/18/02	RRB Order granting motion on shortened time to participate telephonically in status conference set 9/23/02 (27-1). cc: cns1
29 - 1	09/24/02	RRB Court Minutes [ECR: Debby Willoughby-Lyons], Status conference held 9/23/02. Plf cns1 will file a motion re: scheduling of the case for trial & may file a mot to compel. Def Abeldgaard has not retained counsel. Def Abeldgaard may participate telephonically for future hearings, court will set future status hearing as needed. cc: cns1
30 - 1	09/30/02	PLF 1 Witness List.
31 - 1	10/16/02	Transcript re: status conf held 9/23/02.
32 - 1	10/16/02	PLF 1 Unopposed motion to revise dates in S&P order; close od discovery 3/15/03, dispositive mots due 4/15/03.
33 - 1	10/18/02	RRB Order granting motion Unopposed motion to revise dates in S&P order; close od discovery 3/15 (32-1) & setting the following dates: Discovery to close 03/15/03; Dispositive motions deadline 04/15/02. cc: cns1
34 - 1	10/22/02	PLF 1 motion (second) to compel responses to discovery w/att exhs.
35 - 1	11/14/02	RRB Order granting motion (second) to compel responses to discovery (34-1). cc: cns1

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36 - 1	11/15/02	PLF 1 Status Report.
37 - 1	11/19/02	RRB Minute Order that further stat rpt due by 3/15/03. cc: cns1
38 - 1	01/06/03	PLF 1 Unopposed motion to extend date until 3/1/03 disclosure of experts and expert reports.
39 - 1	01/08/03	RRB Order granting unopposed motion to extend date until 3/1/03 disclosure of experts and expert report on financial issues (38-1). cc: cns1
40 - 1	02/05/03	PLF 1 Unopposed motion to partially revise two dates in the litigation schedule; discovery until 4/1/03 & to extend completing the depositions of C. Abeldgarrd until 3/15/03 & to extend the date for disclosure of experts & expert reports until 4/1/03.
41 - 1	02/05/03	RRB Order granting unopposed motion to partially revise two dates in the litigation schedule (40-1). Fact discovery deadline is extended until 3/15/03 & deadline for disclosure of experts and expert reports on financial issues is 04/01/03. cc: cns1
42 - 1	03/12/03	PLF 1 Unopposed motion to extend date until 5/1/03 for expert reports on financial issues and until 6/1/03 to file dispositive mots, mots in limine and expert discovery mots.
43 - 1	03/14/03	RRB Order granting unopposed motion to extend dates for expert reports on financial issues and for filing of dispositive motions by 6/1/03 (42-1). cc: cns1
44 - 1	03/17/03	PLF 1 motion to compel responses to discovery from defs C. Moser & Modeb Investments w/att exhs.
45 - 1	03/17/03	PLF 1 Second Status Report.
46 - 1	04/09/03	RRB Minute Order granting motion to compel responses to discovery from defs C. Moser & Modeb Investment (44-1). cc: cns1
47 - 1	04/16/03	DEF 3 motion for clarification regarding order compelling discovery w/att exh.
48 - 1	04/16/03	DEF 3-4 Reply to settlement proposal.
49 - 1	04/18/03	RRB Minute Order re: the court permits Mr. Moser to proceed on behalf of MODEB Investments despite the fact LR 83.1(f)(2) requires representation of legal counsel. Clarification of the court's order compelling discovery is that partners may be held responsible for the acts or failure to act of the partnership and for any liabiltiy incurred by the partnership. Partners are subject to discovery. cc: cns1
50 - 1	05/22/03	DEF 1 Affidavit of C. E. Abeldgaard President of Oceanview Enterprises Inc.
51 - 1	06/02/03	PLF 1 motion for partial summary judgment w/att memo in support.
52 - 1	06/02/03	PLF 1 Supplement re: Statement of facts in support of PLF 1 motion for partial summary judgment (51-1) w/att exhs.

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Document #	Filed	Docket text
53 - 1	06/16/03	DEF 3-4 opposition to PLF 1 motion for partial summary judgment (51-1) w/att docs.
53 - 2	06/16/03	DEF 3-4 motion to dismiss Modeb Investments from frivolous lawsuit.
54 - 1	06/20/03	DEF 1-2 Unopposed motion for extension of time until 7/10/03 to file response to plf's partial summary judgment.
54 - 2	06/23/03	Order granting Unopposed motion for extension of time until 7/10/03 to file response partial summary judgment (54-1). cc: cns1
55 - 1	06/24/03	PLF 1 reply to DEF 3 and DEF 4 opposition to PLF 1 motion for partial summary judgment (51-1) w/att exhs.
55 - 2	06/24/03	PLF 1 opposition to DEF 3-4 motion to dismiss Modeb Investments from frivolous lawsuit (53-2) w/att exhs.
56 - 1	06/30/03	DEF 1-2 opposition to PLF 1 motion for partial summary judgment (51-1).
56 - 2	06/30/03	DEF 1-2 motion to dismiss Oceanview Enterprises Inc., & C.E. Abeldgaard from Frivolous Lawsuit.
57 - 1	07/07/03	PLF 1 motion for preliminary injunctive relief to prevent imminent harm w/att memo, decla and exhs.
57 - 2	07/07/03	PLF 1 motion (request) for a telephonic status conference w/att memo, decla and exhs.
58 - 1	07/08/03	RRB Minute Order that defs have to 7/14/03 at 10:00 to file any opp to mot for PI. cc: cns1
59 - 1	07/10/03	PLF 1 reply to DEF 1 and DEF 2 opposition to PLF 1 motion for partial summary judgment (51-1) w/att exhs.
59 - 2	07/10/03	PLF 1 opposition to DEF 1-2 motion to dismiss Oceanview Enterprises Inc., & C.E. Abeldgaard from Frivolous Lawsuit (56-2) w/att exhs.
60 - 1	07/14/03	DEF 1-2 (Faxed Copy) opposition to PLF 1 motion for preliminary injunctive relief to prevent imminent harm (57-1).
61 - 1	07/14/03	PLF 1 Notice of filing proposed orders re: motion for preliminary injunction w/att proposed orders.
62 - 1	07/15/03	DEF 1 Reply to US notice of filing proposed orders regarding mot for preliminary injunction.
63 - 1	07/16/03	RRB Minute Order a hearing on the governments motion for Preliminary Injunctive Relief (dkt 57) is set for 7/21/03 at 10:00 a.m. in a courtroom to be determined; granting motion (request) for a telephonic status conference (57-2). cc: cns1
64 - 1	07/18/03	PLF 1 Attorney Appearance of M. Nitczynski.
65 - 1	07/18/03	PLF 1 reply to opposition to PLF 1 motion for preliminary injunctive relief to prevent imminent harm (57-1).

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66 - 1	07/21/03	RRB Court Minutes [ECR: Elisa Singleton] hrg re: plf's moton for preliminary injunctive relief dkt 57 held 7/21/03. D1's Summary Analysis of Corps Jurisdictional Determination, Lodged. Order requiring defs Abeldgaard and Oceanview to remove fill material to prevent imminent harm signed. Order requiring defs Abeldgaard and Oceanview to construct a bridge at site of illegal fill signed. cc: cns1
67 - 1	07/21/03	RRB Order granting motion for preliminary injunctive relief to prevent imminent harm (57-1) and order requiring defs Abeldgaard & Oceanview to remove fill material to prevent imminent harm. cc: cns1
68 - 1	07/21/03	RRB Order requiring defs Abeldgaard and Oceanview to construct a bridge at site of illegal fill. cc: cns1
69 - 1	07/24/03	DEF 3-4 opposition to PLF 1 motion for partial summary judgment (51-1).
69 - 2	07/24/03	DEF 3-4 reply to opposition to DEF 3-4 motion to dismiss Modeb Investments from frivolous lawsuit (53-2).
70 - 1	07/30/03	DEF 1-2 Attorney Appearance of L. Albert.
71 - 1	08/20/03	RRB Minute Order denying motion to dismiss Modeb Investments from frivolous lawsuit (53-2), motion to dismiss Oceanview Enterprises Inc., & C.E. Abeldgaard from frivolous (56-2). cc: cns1
72 - 1	08/21/03	RRB Order granting motion for partial summary judgment (51-1). cc: cns1
73 - 1	08/27/03	RRB Order re: certification of readiness for trial; parties to certify or file a report within 15 days from the date of this order. cc:cns1
74 - 1	08/27/03	DEF 3-4 Attorney Appearance of Lawrence V. Albert.
75 - 1	09/02/03	PLF 1 motion for order to show cause.
76 - 1	09/11/03	PLF 1 motion (Request) for status conference re: certificate of readiness for trial.
77 - 1	09/12/03	DEF 1-2 opposition to PLF 1 motion for order to show cause (75-1) w/att unsigned declaration.
78 - 1	09/12/03	DEF 1-2 Notice of filing unsigned declaration.
79 - 1	09/23/03	RRB Minute Order granting motion (Request) for status conference re: certificate of readiness for trial (76-1); set for 10/10/03 at 3:30. cc: cns1
80 - 1	09/24/03	PLF 1 reply to opposition to PLF 1 motion for order to show cause (75-1).
81 - 1	10/06/03	PLF 1 Unopposed motion for change in time and/or date of 10/10/03 status conference.
82 - 1	10/08/03	RRB Minute Order granting unopposed mot for change in time and/or date of status conf (81-1); status conf set for 10/10/03 is VACATED & RESET for 10/14/03 at 9:00 a.m. cc: cns1

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83 - 1	10/14/03	RRB Court Minutes [ECR: Caroline Edmiston] Trial rescheduling conference held 10/14/03. Plf's oral motion to stay case pending further action granted. All matters in this case are held in abeyance until 12/5/03. Parties to notify the court re: future action in this case. cc: cnsl
84 - 1	10/22/03	PLF 1 motion (notice and request) to require defs Abeldgaard and Oceanview to monitor and take action regarding illegal fill site 7L(6).
85 - 1	10/24/03	RRB Order granting motion (notice and request) to require defs Abeldgaard and Oceanview to monitor and take action regarding illegal fill site 7L(6) (84-1). cc: cnsl
86 - 1	12/05/03	PLF 1 Joint Status Report.
86 - 2	12/05/03	PLF 1 motion (Request) to continue stay of litigation to allow the parties to pursue settlement.
88 - 1	12/11/03	RRB Order granting motion (Request) to continue stay of litigation until 2/3/04 to allow the parties to pursue settlement (86-2). Parties to file a status report by 2/3/04 if the case has not settled. cc: cnsl
87 - 1	12/12/03	Transcript re: hrg on plf's mot for prelim injunctive relief dkt #57 on 7/21/03.
89 - 1	02/03/04	PLF 1 Joint Status Report.
89 - 2	02/03/04	PLF 1 Joint request to continue stay of litigation until 3/12/04 to allow the parties to pursue settlement. Plf to file status rptby 3/12/03 re: progress of settlement.
90 - 1	02/04/04	RRB Order granting motion Joint request to continue stay of litigation until 3/12/04 to allow the parties settlement discussions to proceed (89-2). The parties to file a status report re settlement and suggesting further proceeding by 3/12/04. cc; cnsl
91 - 1	03/12/04	PLF 1 Joint Report.
91 - 2	03/12/04	PLF 1 motion (request) to continue stay of Litigation as to Moser and Modeb.
91 - 3	03/12/04	PLF 1 motion (request) for status conference as to Abeldgaard and Oceanview.
92 - 1	03/19/04	RRB Order granting motion (request) to continue stay of Litigation as to Moser and Modeb to June 1, 2004 to allow those parties to pursue settlement (91-2). cc: cnsl
93 - 1	03/19/04	RRB Minute Order granting motion (request) for status conference as to Abeldgaard and Oceanview (91-3). Status hearing is set for 4/1/04 at 9:00 a.m. in Courtroom #3. Counsel or parties may participate telephonically. cc: cnsl
94 - 1	04/02/04	RRB Court Minutes [ECR: Denali Elmore] Status conference held 4/1/04. Joint status report due w/in seven days. cc: cnsl
95 - 1	04/08/04	PLF 1; DEF 1-4 Joint Status Report and suggestion for further proceedings as to Abeldgaard and Oceanview.

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96 - 1	05/03/04	PLF 1 Status Report as to Abeldgaard and Oceanview.
97 - 1	06/01/04	PLF 1 Joint Status Report re: negotiating settlement.
97 - 2	06/01/04	PLF 1 motion to continue stay of litigation as to Moser and Modeb to allow those parties to continue to pursue settlement.
98 - 1	06/02/04	PLF 1 Status Report as to DEF 1-2.
99 - 1	06/04/04	RRB Order granting motion to continue stay of litigation until 7/1/04 as to Moser and Modeb to allow those parties to pursue settlement (97-2). Stat rpt due 7/1/04. cc: cnsl
100 - 1	06/14/04	DEF 1 Notice of filing signed declaration of Clarence Abeldgaard, unsigned version was attached as exh A to defs response to mot for order to show cause.
101 - 1	06/14/04	DEF 1-2 motion for withdrawal of counsel for C. Abeldgaard and Oceanview Enterprises Inc.
102 - 1	06/28/04	PLF 1 opposition to DEF 1-2 motion for withdrawal of counsel for C. Abeldgaard and Oceanview Enterprises Inc. (101-1).
103 - 1	06/29/04	DEF 1-2 Request for Oral Argument re: DEF 1-2 motion for withdrawal of counsel for C. Abeldgaard and Oceanview Enterprises Inc. (101-1).
104 - 1	06/29/04	PLF 1 Joint status report.
104 - 2	06/29/04	PLF 1 motion (request) to continue stay of litigation as to Moser and Modeb until 9/1/04 to allow those parties to continue to pursue settlement.
105 - 1	07/02/04	PLF 1 Status Report as to DEF 1 & DEF 2.
106 - 1	07/13/04	RRB Minute Order that hrg re: mot for w/drawal fo cnsl (dkt 101) is set 8/6/04 at 8:30 a.m.; cnsl/parties needing to attend telephonically to notify CMC at least 2 working days prior to hrg. cc: cnsl
107 - 1	07/30/04	RRB Order granting motion (request) to continue stay of litigation as to Moser and Modeb until 9/1/04 (104-2). cc: cnsl
108 - 1	08/04/04	PLF 1 Status Report as to DEF 1 & 2.
109 - 1	08/09/04	RRB Court Minutes [ECR: Caroline Edmiston] hrg on mot for w/drawl of cnsl held 8/6/04. Court granted motion for withdrawal of counsel for C. Abeldgaard and Oceanview Enterprises (101-1). Clarence Abeldgaard allowed 30 days to obtain new attorney for case. All future mailings to be filed to Mr. Abeldgaard. cc: cnsl, C. Abeldgaard
110 - 1	08/09/04	DEF 1-2 Consent to withdrawal as counsel.
111 - 1	09/02/04	PLF 1 Joint Status Report re: parties pursuing settlement.
111 - 2	09/02/04	PLF 1 motion (request) to continue stay of litigation as to Moser and Modeb until 11/01/04 to allow parties to continue to pursue settlement.
112 - 1	09/02/04	PLF 1 Status Report as to DEF 1 & 2.

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113 - 1	09/03/04	JKS Order granting motion (request) to continue stay of litigation as to Moser and Modeb until 11/1/04 (111-2). cc: cns1
114 - 1	09/10/04	RRB Minute Order denying as moot motion for order to show cause (75-1). The matter is stayed pending Moser & Modeb settl negotiations and plf is to proceed with discovery & dispositive mots as to def Abeldgaard. cc: cns1
115 - 1	10/05/04	PLF 1 Status Report as to DEF 1 & 2.
116 - 1	11/01/04	PLF 1 11/1/04 Status Report as to Abeldgaard & Oceanview.
117 - 1	11/01/04	PLF 1 Joint Report re: status.
117 - 2	11/01/04	PLF 1 motion (Request) to continue stay of litigation as to Moser and Modeb until 2/1/05 to allow the parties to continue to pursue settlement.
118 - 1	11/02/04	RRB Order granting motion (Request) to continue stay of litigation as to Moser and Modeb until 2/1/05 to allow the parties to pursue settlement (117-2). The parties will file status reports on or around 12/1/04, 1/3/05 and either a consent decree or a status report by 2/1/05. cc: cns1
119 - 1	12/07/04	PLF 1; DEF 3-4 Joint Status Report as of 12/7/04.
120 - 1	12/07/04	PLF 1 Status Report as to DEF 1 & 2.
121 - 1	01/03/05	PLF 1; DEF 3-4 Joint Status Report as of 1/3/05.
122 - 1	01/03/05	PLF 1 Status Report as to Abeldgaard and Oceanview.
123 - 1	01/07/05	RRB Minute Order Status reports at dkt 121 and dkt 122 are accepted. An additional status report or settlement documents are due by 3/1/05. cc: cns1
124 - 1	03/01/05	PLF 1; DEF 3-4 Joint Status Report.
125 - 1	03/01/05	PLF 1 Status Report re: DEF 1 & 2.
126 - 1	03/07/05	RRB Minute Order the stay previously entered in this matter is continued until 5/2/05. cc: cns1
127 - 1	05/02/05	PLF 1; DEF 3-4 Joint Status Report.
128 - 1	05/02/05	PLF 1 Status Report as to DEF 1 & DEF 2.
129 - 1	05/10/05	PLF 1 Notice of lodging of proposed consent decree w/defs Moser & Modeb Investments.
130 - 1	06/15/05	PLF 1 Status Report re: DEF 1 & 2.
131 - 1	06/27/05	PLF 1 motion for the court to enter consent decree with defendants Cloyd Moser & MODEB INVESTMENTS.
132 - 1	07/06/05	RRB Consent Decree w/defs Cloyd Moser & Modeb Investments & granting mot for crt to enter consent decree w/defs Cloyd Moser & Modeb

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		Investments (131-1). cc: cns1
133 - 1	08/15/05	DEF 3-4 motion for extension of time on site restoration.
134 - 1	08/26/05	PLF 1 Status Report.
135 - 1	08/31/05	RRB Minute Order re further status report &/or mot for SJ on remedy issues as to DEF 1&2 due 9/30/05. cc: cns1
136 - 1	08/31/05	PLF 1; DEF 3-4 Jnt Stipulation to modify consent decree deadline for Willow Planting.
137 - 1	09/02/05	RRB Order granting as directed stipulation to modify consent decree deadline for Willow Planting (136-1). cc: cns1
138 - 1	09/14/05	RRB Order granting motion for extension of time on site restoration no later than 10/31/05 (133-1). cc: cns1
139 - 1	09/30/05	PLF 1 motion to amend complaint to add Gerald Barling as a defendant w/att exhs.
140 - 1	10/04/05	DEF 3-4 motion for extension of time until 10/31/05 on conveyancing.
141 - 1	10/06/05	RRB Order granting motion for extension of time until 10/31/05 on conveyancing (140-1). cc: cns1
142 - 1	11/03/05	RRB Minute Order granting motion to amend complaint to add Gerald Barling as a defendant (139-1). cc: cns1
143 - 1	11/17/05	DEF 5 Attorney Appearance Darryl L. Thompson.
144 - 1	11/18/05	PLF 1 Complaint (2nd Amended).